

C. Plant application

(\$480.00 - 37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

- Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.

WARNING: *"Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. § 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).*

WARNING: *"Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).*

(complete the following, if applicable)

- Status as a small entity was claimed in prior application

/ _____, filed on _____, from which benefit is being claimed for this application under:

35 U.S.C. § 119(e),

- 120,
 121,
 365(c),

and which status as a small entity is still proper and desired.

- A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of **A, B, or C** above)

\$ _____

NOTE: *Any excess of the full fee paid will be refunded if a small entity statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).*

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

- Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

Not Enclosed

No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

Enclosed

Filing fee

\$ _____

Recording assignment

(\$40.00 – 37 C.F.R. § 1.21(h))

(See attached "COVER SHEET

**FOR ASSIGNMENT ACCOMPANYING
NEW APPLICATION."**

\$ _____

Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.

(\$130.00 – 37 C.F.R. §§ 1.47 and 1.17(i))

\$ _____

For processing an application with a specification in a non-English language

(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))

\$ _____

Processing and retention fee

(\$130.00, 37 C.F.R. §§ 1.52(d) and 1.21(l))

\$ _____

Fee for international-type search report

(\$40.00; 37 C.F.R. § 1.21(e))

\$ _____

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from the notification under § 53(f).

Total fees enclosed

\$ _____

14. Method of Payment of Fees

- Attached is a check money order in the amount of \$ _____
- Authorization is hereby made to charge the amount of \$ _____
- to Deposit Account No. _____
- to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING:: Credit card information should **not** be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

15. Authorization to Charge Additional Fees

WARNING: *If no fees are to be paid on filing, the following items should not be completed.*

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.*

- The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.
 - 37 C.F.R. § 1.16(a), (f), or (g) (filing fees)
 - 37 C.F.R. § 1.16(b), (c), and (d) (presentation of extra claims)

NOTE: *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the P.T.O. in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the P.T.O. to charge additional claim fees, except possibly when dealing with amendments after final action.*

- 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- 37 C.F.R. § 1.17 (application processing fees)

WARNING: *“...A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.” 37 C.F.R. § 1.136(a)(3).*

- 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 C.F.R. § 1.311(b).*

NOTE: *37 C.F.R. § 1.28(b) requires “Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee.” From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as “other than a small entity” and (b) no notification is required if the change is to another small entity.*